

INTERVIEW SUMMARY RECORD

On August 24, 2005, Daphne Reddy (Reg. No. 53,507) telephoned the Examiner to discuss the submission of a Declaration by Audrey Goddard, Ph.D. after final rejection. The Examiner indicated that entry of this Declaration after final rejection would be acceptable, as the Examiner is familiar with this Declaration from other gene amplification cases.

REMARKS

According to the Advisory Action mailed on April 27, 2005, for the purposes of an Appeal, the amendments submitted with the reply filed December 23, 2004 will be entered. Accordingly, claims 124, 129-131 and 135-145 are pending and are rejected in this case.

The attached Declaration by Dr. Audrey Goddard provides a statement by an expert in the relevant art that "fold amplification" values of at least 2-fold are considered significant in the TaqMan™ PCR gene amplification assay. The issue whether the fold increase in the gene amplification assay for the PRO1153 gene was "significant" did not arise, either in the First Office action mailed March 23, 2004 or in the Final Office Action mailed October 1, 2004, or in the Advisory Action mailed April 27, 2005, and therefore, this Declaration addressing the issue of "significance" was not, and could not have been, presented earlier. Applicants believe that presentation of the Goddard Declaration places the pending claims in this application in a better form for consideration on appeal. Thus good and sufficient reasons exist why this Declaration is necessary and was not earlier presented. In addition, the Examiner is familiar with this Declaration from other related applications. Accordingly, the consideration and entry of the present Declaration after final rejection is respectfully requested.

CONCLUSION

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. **08-1641** (referencing Attorney's Docket No. **39780-2730 P1C63**).

Respectfully submitted,

Date: August 25, 2005

By: _____

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